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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,557	05/02/2001	Andrew Varga	Y0R92000081US1/I28-0001	5973
7590 Philmore H. Colburn II Cantor Colburn LLP 55 Griffin Road South Bloomfield, CT 06002		05/14/2007	EXAMINER BUCHANAN, CHRISTOPHER R	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 05/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/847,557	VARGA ET AL.	
	Examiner	Art Unit	
	Christopher R. Buchanan	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 February 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9,11-15,17-19,21,23-27,29-31 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9,11-15,17-19,21,23-27,29-31 and 33-35 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 11-15, 17-19, 21, 23-27, 29-31 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swanson (US 2002/0184111) alone.

Regarding claims 1, 34, and 35, Swanson discloses a system for managing parts requirement processes in an engineering environment (see abstract, Fig. 1), having a server (application server, Fig. 1) in communication with a workstation (104) over a network (the internet), the workstation executing a design tool application (CAD tools, test tools, etc., 185, Fig. 4, par. 0058) for developing a product design (par. 0063, 0067). The system further includes a bill of material assist application (see Fig. 10b, par. 0067) executing on at least one of the server and the workstation for managing the parts requirements processes (via an intelligent bill of materials decomposition process), wherein the bill of material assist application performs receiving a bill of material including a list of component parts in response to a product design conducted on the workstation (par. 0067), wherein the bill of material for the product design can be edited (par. 0067, 0099, 0101, BOM is updated with design changes), mapping the

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component part in the list to corresponding part selection process information, the corresponding part selection process information from a plurality of external sources (par. 0067, par. 0107; via an expanded text window providing a SKU listing with filtering and sorting, clicking on a SKU list item changes the SVG display and the corresponding bill of material list), and generating a summary resulting from the mapping (par. 0082; via a reporting module). For each of the component parts in the list, the corresponding part selection process information includes a current supply status (par. 0082), and it would be a matter of design choice to include various other data about the parts, such as cost, supplier, etc. (see par. 0101).

The system of Swanson differs from the claimed invention in that the bill of material is not explicitly shown to be edited to facilitate production planning processes. However, there are a variety of well-known reasons for editing a bill of material, such as cost planning, inventory management, supplier status, managerial approval, etc., and the particular reason would be a matter of design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to edit the bill of materials to facilitate a variety of planning processes, including production planning.

Regarding the dependent claims, Swanson further discloses a database of part information (par. 0108), a database of procurement information, a database of CAD information relating to product designs (as disclosed on page 4 via technical feature solution), and a database of approved vendors list (par. 0006). Furthermore, a

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database could hold information files of any type and are commonly made commercially accessible over a network.

Response to Arguments

3. Applicant's arguments filed February 22, 2007 have been fully considered but they are not persuasive. Applicant argues that the Swanson reference does not disclose the claimed feature of editing a bill of material for the product design to facilitate production planning processes for developing or manufacturing the product design.

The examiner disagrees and stands by the rejection. As the rejection above points out, in the system of Swanson the bill of material is updated or modified (i.e., edited) with changes in the product design. The system is not explicitly shown to edit the bill of material to facilitate production planning processes, thus the rejection has been changed to a rejection under U.S.C. 103(a) instead of U.S.C. 102(e), however the reason for editing is considered to be a matter of design choice.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Buchanan whose telephone number is 571-272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

Michael Cuff 5/10/07
MICHAEL CUFF
PRIMARY EXAMINER